

International Council on Archives (ICA) Statement on Broadcasting

SCCR36

28 May-1 June 2018

Thank you Mr Chairman. I speak on behalf of the International Council on Archives.

When a new broadcast right goes beyond signal protection into post-fixation rights, archives must take notice to ensure fair access to broadcast content.

The holdings of many archives include fixations of the programs and newscasts of broadcasting organizations that are deemed to be of enduring value. These works are important evidence of the social, cultural, political, and historical life of the community or the nation.

The fact is that a new layer of rights that affects access to content is an additional barrier to access to knowledge. Archives would have to deal with an additional set of rights holders to clear rights for access, creating extra costs and complexity on the rights clearance process. Furthermore, it will add to the extensive orphan works problem, for which no satisfactory legislative solution has yet been found.

Therefore any new instrument must contain a robust set of exceptions that are future-proofed for changes in technology and cannot be nullified by terms in contracts, or technological protection measures.

Consequently any instrument must contain robust, mandatory Limitations and Exceptions that require contracting parties to incorporate in their national legislation limitations and exceptions for specific uses including private use, reporting of current events, use by archives and libraries, use for the purpose of teaching and research, and making accessible for persons with disabilities.

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